

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANK M. PECK,)	3:09-cv-00381-LRH-VPC
)	
Plaintiff,)	
)	<u>MINUTES OF THE COURT</u>
v.)	
)	
THOMAS, <i>et al.</i> ,)	
)	February 8, 2013
Defendants.)	
)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff's motion to strike and motion for further briefing (#103). Defendants opposed (#107). Plaintiff did not reply.

Plaintiff contends that defendants' reply to their motion for summary judgment (#100) contains misrepresentations which are "outside the scope of their motion" (#103, p. 3). Plaintiff asserts that since defendants have introduced new evidence, plaintiff has a right to respond and/or asks the court to strike defendants' reply memorandum. *Id.* at 4. Defendants oppose plaintiff's motion on the grounds that defendants' arguments in their reply were responsive to the issues plaintiff raised in his opposition to defendants' motion for summary judgment (#98).

The court finds that defendants' reply to their motion for summary judgment (#100) appropriately responded to the issues plaintiff raised in his opposition (#98). Accordingly, plaintiff's motion to strike and motion for further briefing (#103) is hereby **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk

